

In The United STATES DISTRICT COURT
For The Middle District of ALABAMA
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ROBERT CLEMENTS, 2005 AUG - 3 A 10:12 *

Petitioner, DEPARTMENT CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
-vs-

WARDEN GWENDOLYN MOSLEY,
AND; ALA. ATTORNEY GENERAL,

Respondents.

*

* Case Number:

* 3:05CV773-T
Assigned By Clerk

*

*

Motion For LEAVE To Proceed In forma Pauperis

Comes the Petitioner, pursuant to:

28 U.S.C., § 1915, et seq., and hereby moves this Court for an "Order" permitting him to proceed with his 28 U.S.C. § 2254 Petition without prepayment of fees, costs, or security thereof.

Petitioner also provides to this Court a properly certified "In forma-Pauperis Declaration" in support of this instant motion.

Executed this the 31 Day of July, 2005

Respectfully Submitted,
(X) Robert Clements

ROBERT W. CLEMENTS,
Petitioner, Pro-Se

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IN THE UNITED STATES DISTRICT COURT FOR THE ~~2005~~ AUG - 3 A 10: 12

MIDDLE DISTRICT OF ALABAMA

ROBERT R. HAGGETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALAAFFIDAVIT IN SUPPORT OF REQUEST
TO PROCEED IN FORMA PAUPERISRobert Wayne Clements,

Plaintiff(s)

vs.

Warden Gwendolyn Moseley, et al.,

Defendant(s)

145598

I, Robert Wayne Clements, being first duly sworn, depose and say that I am the plaintiff in the above entitled case; that in support of my motion to proceed without being required to pay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief. I recognize that I may be prosecuted for any false statement which I may make herein.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? YES () NO (X)

A. If the answer is YES, state the amount of your salary or wages per month, and give the name and address of your employer.

N/A - Incarcerated

B. If the answer is NO, state the date of last employment and the amount of salary and wages per month which you received.

N/A - 2001 Self-Employment 2000/mo.

2. Have you received within the past twelve months any money from any of the following sources?

A. Business, profession or form of self-employment? YES () NO (X)

B. Rent payments, interest or dividends? YES () NO (X)

C. Pensions, annuities or life insurance payments? YES () NO (X)

D. Gifts or inheritances? YES () NO (X)

E. Any other sources? YES () NO (X)

If the answer to any of the above is YES, describe each source of money and state the amount received from each during the past twelve months.

N/A - None

3. Do you own cash, or do you have money in a checking or savings account?
[Include any funds in prison accounts.] YES NO
If the answer is YES, state the total value of the items owned.
See Attached Certificate & Print Out

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other
valuable property [excluding ordinary household furnishings and clothing]?
YES NO
If the answer is YES, describe the property and state its approximate value.
N/A-NONE

5. List the persons who are dependent upon you for support, state your
relationship to those persons and indicate how much you contribute
toward their support. N/A-NONE

~~✓ Rebut w/ Answer~~
Signature of Affiant

STATE OF ALABAMA)
COUNTY OF _____)

Before me, a notary public in and for said County, in said State,
personally appeared _____, whose name is signed
to the foregoing complaint, who being first duly sworn, deposes on oath and
says:

That the information set forth in the foregoing affidavit is true and correct to the best of his knowledge and belief.

Signature of Affiant

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public

County, Alabama

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07-25-05
(date)

Peter W. Clemons
Signature of Affiant

145598

CERTIFICATE

I hereby certify that the plaintiff herein has the sum of \$ 25.72 on account to his credit at the Eustis Center institution where he is confined. I further certify that plaintiff likewise has the following securities to his credit according to the records of said institution:

See attached

I further certify that he has had the average sum on account at this institution as of the first day of each month of the immediate preceding months (not to exceed six (6) months).

1. \$ _____	on the 1st day of _____
2. \$ _____	on the 1st day of _____
3. \$ _____	on the 1st day of _____
4. \$ _____	on the 1st day of _____
5. \$ _____	on the 1st day of _____
6. \$ _____	on the 1st day of _____

See attached

Megan F. Peters, Act. Clerk
Authorized Officer of Institution

DATE

7-25-05

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
EASTERLING CORR FACILITY

AIS #: 145598 NAME: CLEMENTS, ROBERT WAYNE AS OF: 07/25/2005

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
JUL	6	\$137.39	\$0.00
AUG	31	\$13.47	\$25.00
SEP	30	\$0.23	\$0.00
OCT	31	\$1.39	\$25.00
NOV	30	\$13.85	\$40.00
DEC	31	\$0.00	\$0.00
JAN	31	\$0.00	\$0.00
FEB	28	\$1.70	\$25.00
MAR	31	\$0.06	\$0.00
APR	30	\$0.78	\$20.00
MAY	31	\$0.33	\$0.00
JUN	30	\$0.15	\$0.00
JUL	25	\$8.43	\$40.00